

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CINCINNATI INSURANCE COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07-cv-168-WHB-LRA

MARKEL AMERICAN INSURANCE COMPANY

DEFENDANT

FINAL JUDGMENT

In accordance with Rule 58 of the Federal Rules of Civil Procedure, and with the Opinion and Order that granted in part, and denied in part the motions for summary judgment filed by the parties:

Markel American Insurance Company is granted a declaratory judgment that it is not obligated to provide a defense or indemnification to its insured in the case styled Jade McGowan vs. Pebble Creek Partners, Ltd., L.P., d/b/a Pebble Creek Apartments, Southwood Realty Company, Dan W. Ratchford, Herman E. Ratchford, James H. Ratchford, Cheronda Minor, Amanda Gallaway, and John Does 1 through 5, Civil Action No. 251-05-641, which is pending in the Circuit Court for the First Judicial District of Hinds County, Mississippi.

Cincinnati Insurance Company is granted a declaratory judgment that Markel American Insurance Company is obligated to provide a defense and indemnification to its insured in the case styled Dominisha Woodard, By and Through her Next Friend and Natural Mother, Leona Woodard vs. Pebble Creek Apartments, Southwood Realty

Company, Pamela Taylor, Dan W. Ratchford, Herman E. Ratchford, James H. Ratchford, and John Does 1 through 5, Civil Action No. 3:06-cv-661, which is currently pending in the United States District Court for the Southern District of Mississippi, Jackson Division.

The obligation of Markel American Insurance Company to provide a defense and indemnification to its insured in the case styled Dominisha Woodard, By and Through her Next Friend and Natural Mother, Leona Woodard vs. Pebble Creek Apartments, Southwood Realty Company, Pamela Taylor, Dan W. Ratchford, Herman E. Ratchford, James H. Ratchford, and John Does 1 through 5, Civil Action No. 3:06-cv-661, arose on June 13, 2007, the date on which the First Amended Complaint was filed in that case.

Markel American Insurance Company is granted a declaratory judgment that it is not obligated to provide indemnity for any punitive or exemplary damages awarded in the case styled Dominisha Woodard, By and Through her Next Friend and Natural Mother, Leona Woodard vs. Pebble Creek Apartments, Southwood Realty Company, Pamela Taylor, Dan W. Ratchford, Herman E. Ratchford, James H. Ratchford, and John Does 1 through 5, Civil Action No. 3:06-cv-611.

Having so ordered, this case is hereby dismissed with prejudice.

SO ORDERED this the 11th day of June, 2008.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE